

Malpractice and Maladministration Policy

The ASA Awarding Body (ASA AB) is committed in its service provision to offer the highest quality, ensuring access to fair assessment for all learners and the continued full compliance with the General Conditions of Recognition – Ofqual and Qualification Wales.

Policy Aim and Purpose

The aim of this policy is to safeguard the integrity and credibility of the ASA AB, to ensure that any potential malpractice or maladministration is identified, prevented, corrected and/or mitigated in every aspect of the delivery, development and assessment of ASA qualifications. This policy provides a robust and transparent framework for the identification and management of malpractice and maladministration by:

- Providing the means to identify and resolve malpractice and maladministration
- Establishing clear standards for dealing with malpractice and maladministration
- Reducing the possibility of malpractice and maladministration.

This policy applies to ASA AB Approved Centres, ASA representatives, ASA qualifications workforce, all employees of the ASA AB, consultants, advisors, learners and any other individual involved with the development, delivery and assessment of ASA qualifications.

Failure to report Malpractice or Maladministration

If it becomes known that an Approved Centre fails to report a suspected case of malpractice or maladministration or withholds information from the ASA AB, sanctions may be applied.

The Ofqual/Qualification Wales General Conditions of Recognition which apply to this policy are:

Condition A4	Conflicts of interest
Condition A6	Identification and management of risks
Condition A7	Management of incidents
Condition A8	Malpractice and maladministration
Condition B3	Notification to Ofqual/Qualification Wales of certain events
Condition G4	Maintaining confidentiality of assessment materials, including the conduct of specified training events
Condition I4	Issuing certificates and replacement certificates

Definition of Malpractice and Maladministration

Malpractice is any deliberate or neglectful act which undermines the integrity and validity of assessment and the certification. Malpractice can occur at ASA AB, approved centre and learner level. Examples of malpractice can be found in *appendix 1*.

Maladministration is any activity which results in unintended non-compliance with regulations and requirements. Recurring instances of maladministration may be considered serious enough to be treated as malpractice. Examples of maladministration can be found in *appendix 1*.

Investigation and Management of Malpractice and Maladministration

The procedures in place by the ASA AB relating to centre approval, coupled with quality assurance controls (external verification and centre review), have been carefully designed to monitor a centre's arrangements and ability to competently deal with preventing and investigating any instances of malpractice or maladministration.

The ASA AB has established a process for investigating alleged cases that have been raised, which comprises of five stages:

- Stage 1: Notification of an alleged case of malpractice or maladministration
- Stage 2: Management and investigation of allegation
- Stage 3: Report
- Stage 4: Management of confirmed cases of malpractice or maladministration
- Stage 5: Appeals

On all occasions when information regarding an allegation is received by the ASA AB, it will be treated as a potential case for malpractice or maladministration until an outcome has been reached through the investigation stage.

Where there are grounds to suspect malpractice or maladministration against an ASA AB representative, that individual risks suspension of their duties and an investigation by the ASA AB of professional misconduct.

Where there are grounds to suspect malpractice or maladministration at an ASA AB Approved Centre, registrations and learner certification may be suspended until the investigation has been completed and if necessary any sanctions applied.

Where there are grounds to suspect malpractice or maladministration against a learner, certification may be suspended until the investigation has been completed and if necessary any sanctions applied.

Stages of Investigation

Stage 1: Notification of a case of malpractice or maladministration

The centre is responsible for any matters relating to the conduct of the learner or tutor whilst undertaking the qualification. The centre will investigate the allegation in compliance with their published policy and procedures.

Notification of the allegation must be submitted, through the *Allegation Form* (appendix 2), accompanied by any supporting information for review.

Evidence, along with the completed *Allegation Form*, should be sent to: ASA AB Responsible Officer. If the allegation relates to the ASA AB Responsible Officer notification of the suspected malpractice or maladministration should be sent to the ASA AB Chairperson of the ASA AB Board.

Once the *Allegation Form* has been received, the ASA AB will check that the required information has been submitted, acknowledge receipt (within 10 working days) and record the details on the *Allegations Register*. In all cases the ASA AB will protect the identity of the informant.

Stage 2: Management and investigation

The Responsible Officer will review all information provided and conclude if there is a case of Malpractice or Maladministration. If the investigation involves the Responsible Officer an appropriate independent reviewer will be appointed to examine the allegation.

During the investigation there may be:

- A request further information
- Interviews conducted with individuals involved in the investigation in person or by telephone
- A centre visit which will be chargeable to the centre at a rate of £300 per day plus reasonable expenses with fees

Pending the outcome of the investigation, the ASA AB may apply sanctions as detailed in the ASA Awarding Body Sanctions Policy.

Stage 3: Report

The ASA AB will provide feedback within 30 working days of acknowledgement of the allegation form being received.

In some cases the investigation may take longer, for example, if a centre visit is required. In such instances all concerned parties will be advised of the revised timescale.

The Approved Centre is expected to fully cooperate with all investigations and requests for information. If this does not happen ASA Approved Centre status may be withdrawn.

Where applicable, the ASA AB will inform the qualification regulatory authority, Ofqual or Qualification Wales, of any investigation.

In cases where certificates are deemed to be invalid, the ASA AB will inform the centre of any actions that need to be taken.

Stage 4: Appeals

The ASA AB has an appeals procedure that can be applied if there is disagreement in the outcome of a malpractice/maladministration investigation. An appeal must be based on reasonable grounds which relate directly to the case in question. The following would be accepted as reasonable grounds:

- The case was not dealt with using the published policy and procedure
- Further evidence (including medical evidence) has come to light which changes the basis of the decision

The following do not, by themselves constitute grounds for an appeal:

- The individual did not intentionally cheat
- The individual has an unblemished academic record
- The individual could lose a university place
- The individual regrets his/her actions

ASA AB reserves the right to reject an appeal at this point if there is not any further evidence to consider or if the grounds for the appeal are weak or unjustified.

Further information on appeals may be found in the *Appeals Policy*.

Appendix 1: Examples of Malpractice and Maladministration

The following situations are examples of malpractice or maladministration; to decide which one depends on whether the actions are deliberate (malpractice) or unintentional (maladministration).

Failure to adhere to ASA qualification and/or centre eligibility criteria
Actions required by an External Verifier not being met within agreed timescales
Failure to carry out delivery, assessment or internal verification in accordance with ASA AB requirements
Failure to adhere to ASA AB learner registration and certification procedures
Fraudulent claim for certificates
Withholding of information from the ASA AB which is critical to maintaining the rigour of quality assurance
Insecure storage of assessment materials
Giving improper assistance to learners
Submission of false or inaccurate information to gain a qualification or unit(s)
Tampering with learners work
Late learner registrations
Plagiarism of any nature by learners - failure to acknowledge sources properly and/or the submission of another person's work as if it were the learner's own
Impersonation
Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment materials and evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia).
Failure to meet our published timeframes for certification
Any action likely to lead to an adverse affect
Breach of confidentiality

Appendix 2: Allegation Form

Informant information should include information relating to the person submitting the Allegation Form. If you are a learner, please indicate this clearly under informant role.

Name	
Role	
Address	
Telephone number	
Email address	

ASA Approved Centre	
Qualification title	
Details of the allegation <i>(continue on a separate page if required)</i>	

Declaration
I confirm that the information in this form is accurate, to the best of my knowledge, and that the centre will provide arrangements in accordance with the guidance given by the ASA AB.

Signature	
Date	

Please return to ASA Awarding Body Responsible Officer, Allegations, SportPark, 3 Oakwood Drive, Loughborough, LE11 3QF or email qualityassurance@awardingbodyasa.com.

Appendix 3: Maladministration/Malpractice Event Record

ASA Awarding Body Maladministration/Malpractice Event Record

Approved Centre			
Key Contact			
Date of Event			
Description of the event			
Additional commentary from the AC (not mandatory)			
Risk			
Maladministration or Malpractice			
What actions will the AC put in place to ensure this doesn't happen again			
What actions will the ASA AB put in place to ensure secure certification	<i>TBC following the AC's response in the box above</i>		
AC Key Contact Signature		Date	
ASA AB Signature		Date	
Number of Maladministration events in last 24 months including this event		Number of Malpractice events in last 24 months including this event	